

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TOM AZZARELLO,
Plaintiff,
v.
NAVAGILITY LLC, et al.,
Defendants.

No. C-08-2371 MMC

**ORDER DENYING PLAINTIFF'S
REQUEST FOR SETTING OF HEARING
ON MOTION TO DISMISS**

The Court is in receipt of plaintiff's Request, filed July 11, 2008, wherein plaintiff asks the Court to rule on defendant Navagility LLC's pending motion to dismiss without a hearing or, alternatively, set the motion for hearing in July or August 2008.¹ To date, no opposition to the Request has been filed.

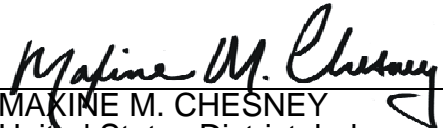
The Court is not, at this time, of the view that defendant's motion to dismiss should be determined without a hearing, and, in light of the Court's calendar in July and August, and unavailability during part of August, the Court is unable to accommodate plaintiff's request for a hearing date significantly in advance of the currently-scheduled date of September 5, 2008.

¹ Defendant's motion to dismiss was fully briefed during the time the instant action was pending before Magistrate Judge Maria-Elena James, and, upon subsequent reassignment of the action, defendant re-noticed the motion for hearing on September 5, 2008.

1 Accordingly, plaintiff's Request is hereby DENIED. Should it later appear to the
2 Court, however, that a hearing is unnecessary, the Court will at that time take the matter
3 under submission and will so advise the parties.

4 **IT IS SO ORDERED.**

5 Dated: July 17, 2008

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MAKINE M. CHESNEY
United States District Judge